

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTHUR MONTOUR, et al.,

Defendants.

Case No. CR09-0214 MJP

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANTS'
MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEFS**

This matter comes before the Court on Defendants' unopposed motion for leave to file overlength briefs in support of their pretrial motions. (Dkt. No. 84.) For the reasons set forth below, the Court DENIES Defendants' motion without prejudice to file a revised motion that cures the defects noted below.

Defendants submit that five of their nine pretrial motions warrant additional briefing because they "address complex constitutional, statutory, and regulatory issues" (Dkt. No. 84 at 1.) First, Defendants' motion fails to explain how the issues addressed in each of the five motions are more complex than other criminal motions addressing novel constitutional issues.

1 Simply representing that the issues are complex does not offer the Court any basis to make a
2 determination that additional briefing is required. Second, Defendants' proposed increase is too
3 uniform. Defendants propose 24 page briefs for each overlength motion, but the request does not
4 appear to account for any differences in complexity among the five motions. The Court is
5 disinclined to simply double the page limit for all motions that may merit additional briefing.
6 Instead, Defendants must propose page limits tailored to the issues underlying the motions.
7 Defendants should be mindful that only exceptionally complex issues will require 24 pages.
8 Finally, the Court observes that Defendants cite to the Local Civil Rule on the issue of
9 overlength briefs. (Dkt. No. 84 at 1.) In civil practice, motions for overlength briefing must be
10 filed "no later than three days before the underlying motion is due." CR 7(f)(4).

11 The Court DENIES Defendants' motion (Dkt. No. 84) without prejudice to file a renewed
12 motion that cures the defects listed. Defendants must file any renewed motion no later than
13 February 5, 2010 at 2:00 p.m. The Court hereby extends the deadline for filing pretrial motions
14 to February 8, 2010. Plaintiff's response deadline will be adjusted accordingly. The Clerk shall
15 transmit a copy of this Order to all counsel of record.
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17 Dated this 4th day of February, 2010.

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20 Marsha J. Pechman
21 United States District Judge
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